

Serial No. 10/531,113
Art Unit: 1793

Remarks

Claims 18-35 are currently pending in the above-captioned matter. By this amendment, claims 18, 26, 30, 32 and 35 have been amended and new claim 36 has been added. After entry of this amendment, claims 18-36 are pending. Remarks made herein are based on the claims as amended hereby.

The withdrawal of the rejection of claims 18-22 under 35 U.S.C. 103 (a) as obvious over Greene, and the withdrawal of the rejection of claims 23-31 as obvious over Greene in view of Dolan, is respectfully acknowledged.

Objections

Claim 35 was objected to as depending upon itself. Claim 35 has been amended hereby thereby obviating this objection.

35 U.S.C. §103 Rejections

Claims 18-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bianchi U.S. 5,908,511 ("the '511 reference"), in view of Lee U.S. 6,361,613 B2 ("the '613 reference"), and further in view of Fortunati et al. U.S. 6,565,735 B1 ("the '735 reference"). This rejection is hereby traversed.

Independent claims 18 and 26, and the claims depending therefrom, recite "c) one or more complex fluoro acids of Si in concentrations from 50 to 500 mmoles per liter". The combination of references relied upon by the Examiner fails to teach or suggest the use of fluoro acids of Si. The teaching of Lee regarding fluorosilicates is limited to fluorosilicate salts, see col. 7, lines 3-9. There is no teaching or suggestion that fluoro acids can or should be used in any of the three references. One of ordinary skill in the art would not be motivated to switch acids for salts in Lee and then use them to modify Bianchi where Lee suggested using the salts as less corrosive alternatives,

Serial No. 10/531,113
Art Unit: 1793

see col. 4, lines 59-61. Accordingly the rejection of independent claims 18 and 26, and the claims depending therefrom, should be withdrawn.

Independent claim 32, and the claims depending therefrom, recite "c) one or more complex fluoro acids of elements of groups 4, 13, or 14 of the periodic table of the chemical elements and/or anions thereof in concentrations from 50 to 220 mmoles per liter". The combination of references relied upon by the Examiner fails to teach or suggest fluoro acids of elements of groups 4, 13, or 14 of the periodic table of the chemical elements and/or anions thereof in the amounts claimed. First, the only fluoro acid or anion thereof taught by Lee is fluoroboric acid, see col. 7, lines 3-9. The Examiner admitted that the teaching of Lee regarding the amount of fluorides is 50-70 g/l, see Official Action mailed Nov. 25, 2008, page 3, last two lines. 50 g/l of fluoroboric acid equals about 568 millimoles/l, which is well outside of the range of 50 to 220 mmoles per liter. Second, even using the salts taught by Lee as a basis to calculate anion concentration in millimoles per liter, the features of claim 32 and its dependent claims are not met. The lowest concentration in millimoles per liter of such anions that can be calculated is based on 50 g/l potassium fluorosilicate, which equates to about 225 millimoles/l of fluorosilicate anion; this is again outside the claimed range. There is no teaching or suggestion of the amounts claimed of the fluoro acids or anions of claim 32 in any of the three references. Furthermore, there is no motivation to one of ordinary skill in the art to 1) switch to acids for salts in Lee; 2) modify the amount of acid; and then 3) use them to modify Bianchi where Lee suggested using the salts as less corrosive alternatives, see col. 4, lines 59-61. Accordingly the rejection of independent claims 32, and the claims depending therefrom, should be withdrawn.

New independent claim 36 recites "c) one or more complex fluoro acids of Si and/or anions thereof in concentrations from 30 to 220 mmoles per liter". For the same reason recited regarding patentability of claim 32, incorporated herein by reference, claim 36 is also patentable.

RECEIVED
CENTRAL FAX CENTER

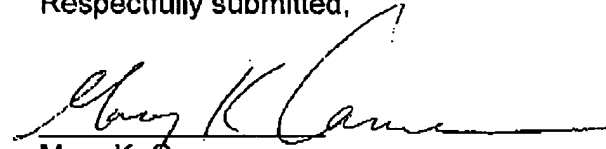
MAY 26 2009

Serial No. 10/531,113
Art Unit: 1793

Conclusion

Applicants request reconsideration in view of the amendments and remarks contained herein. Applicants submit that the claims are in condition for allowance and a notice to that effect is respectfully requested. Should the Examiner have any questions regarding this paper, please contact the undersigned.

Respectfully submitted,



Mary K. Cameron
(Reg. No. 34,789)
Attorney for Applicants
248-589-4672

Henkel of America
Law Department
1001 Trout Brook Crossing
Rocky Hill, CT 06067